

**2001-2002 INTERIM
CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES
INTERIM COMMITTEE**

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I. INTERIM COMMITTEE DUTIES AND RESPONSIBILITIES

Section 5-5-215, MCA, outlines the duties of interim committees:

- "(1) Each interim committee shall:
- (a) review administrative rules within its jurisdiction;
 - (b) subject to 5-5-217(3), conduct interim studies as assigned;
 - (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
 - (i) identification of issues likely to require future legislative attention;
 - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
 - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
 - (d) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and
 - (e) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.
- (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature.
- (3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee."

I. Administrative Rule Review: This duty is imposed upon the committee by statute and replaces the functions of the former Administrative Code Committee. Staff will provide a general overview of the process and background reports on rule review.

Options

1. Receive regular printouts of the DPHHS website on notices of proposed rules and adoption notices.
2. Legal staff will provide synopses of rules that are considered important for the committee to take note or rules of controversy.
3. Committee members may request specific areas for which they would like to receive synopses or full copies of notices.

4. Make a Committee request to Department legal staff to copy them when they send the letter to primary sponsor requesting input on legislative intent.

5. An individual legislator may request subscription to the Montana Administrative Register which contains all notices of proposed and adopted rules.

II. Conduct interim studies, as assigned.

House Joint Resolution No. 1: Joint mental health subcommittee of the Legislative Finance Committee will appoint members from this committee to serve on the HJ 1 mental health subcommittee (Sen. Franklin, Sen. Pease).

Senate Joint Resolution No. 8: Privatization of foster care and adoptive services has been assigned to the Committee by the Legislative Council with a recommendations that it be conducted as a staff white paper for presentation to the committee for final recommendations.

Senate Joint Resolution No. 22: Study of health care costs has been assigned to the Economic Affairs Interim Committee by the Legislative Council with a recommendations for a subcommittee to be formed with members of CFHHS and the Legislative Finance Committee to work with the Economic Affairs Interim Committee on this topic. (Will need to appoint members).

III Agency monitoring

The executive branch agency assigned to this interim committee is the Department of Public Health and Human Services (DPHHS or Department). In adopting a study plan, the Committee should focus on the elements of 5-5-215(1)(c), MCA, in adopting study topics.

Options:

1. Reserve time on each agenda for public testimony.
2. Adopt a study plan that includes issues likely to require future legislative attention, and request the Department's perspective and assistance in identifying these issues. Schedule time for these issues at each meeting or dedicate a meeting to a single issue.
3. Adopt a study plan that includes opportunities for the agency and the public to identify issues as laws are interpreted and administered by the Department. Request the public's and the Department's perspective and assistance in identifying these issues. Request staff analysis of issues and options for resolution. Schedule time for these issues at each meeting or dedicate a meeting to a single issue.
4. Upon adoption of a study plan, request information from Department and from Committee staff that is relevant to the issues and to existing or prospective legislation.
5. Request DPHHS presentation of legislative concepts in May and present requests for *agency* legislation by the August 2002 meeting. Legislative Council no longer requests bill on behalf of agencies, the interim committees are expected to fulfill that role. The last opportunity for the committee to do this as a whole will be at the final August meeting. After that, individual legislators who are eligible could request legislation for the agency. Legislators could also offer to sponsor bills through this process.

5. Make requests and recommendations for *committee* legislation throughout the interim and have committee requests completed by the fourth (May 2002) meeting or mid-summer to allow for adoption at the final (August 2002) meeting.

6. Keep minutes at each meeting.

IV. House Bill No. 2 and other legislatively required reports from DPHHS: There were eight requirements for reports, information, or proposals to be presented to the Children, Families, Health, and Human Services Interim Committee (CFHHS or Committee) as the appropriate interim committee by legislation passed by the 57th Legislature.

Options:

1. Schedule oral reports for each topic for the meeting closest to required date (reflected in meeting plan).

2. Ask the department to provide a written report to Committee staff by the required date. Reports in turn will be sent to each committee member. As oral presentation may be requested by committee members after a written report is received.

II. AREAS FOR STUDY FROM LAST INTERIM AND RELATED ISSUES FROM THIS SESSION

The following five issues were suggested as "Areas for Future Study" in the November 2000 final report from the 1999-2000 CFHHS Interim Committee, each bullet represents related topics from last interim or 2001 Legislative Session items that the Committee can consider:

1. Public mental health system: access, funding, development of community services, administration.
 - Participate as subcommittee members in the HJ 1 Study with LFC, receive regular reports from Subcommittee.
 - Receive regular reports from the Mental Health Oversight Advisory Council (MHOAC) (SB 82) and from DPHHS/Addictive and Mental Disorders Division (AMDD) (monitoring duty).
 - Receive progress report on TAC recommendations and DPHHS plans for future "regional" system.
 - Review progress on mental health training (SJ 2).
 - Monitor HB 2 appropriation to Montana Consensus Council for Olmstead Planning and Implementation
2. Disability Services Division
 - Monitor resolution of lawsuit with Montana Advocacy Program
 - Monitor development of a seamless system
 - Review any revision of commitment laws
 - Receive a report on impact of income-testing (required to report to LFC by June 30, 2002).

3. Interagency Coordinating Council (ICC) on Prevention
 - Statutorily required to report, budget unification (SB 184)
 - Monitor HB 2 appropriated tobacco prevention and control funds to ICC
4. Welfare reform: Families Achieving Independence in Montana, Phase II (FAIM II) and Temporary Assistance to Needy Families (TANF) block grant legislation:
 - Receive required HB 2 reports every meeting and monitor:
 - HB 38 (surplus vehicle for TANF programs)
 - HB 273 (TANF to affordable housing revolving loan account)
 - HB 615 (revise TANF block grant maintenance of effort)
 - SB 77 (general revision of public assistance)
 - SB 339 (revise public assistance, foster care, protective services)
 - SB 442 (revolving fund for low-income working families)
5. Streamlining access to public services
 - Monitor single point of entry progress
 - Revisit elimination of Medicaid assets test - legislation failed (HB 590, HB 337, LC0444)

The following related health and human service issues were raised during the 57th Legislature:

- SJ 22 - study of health care costs (assigned to Economic Affairs - appointment of members to subcommittee)
- SB 82 - Mental Health Oversight Advisory Council (MHOAC) is required to report a summary of each meeting and any recommendations to the Committee and the DPHHS is required to report on the rationale for not following recommendations of MHOAC.
- SB 184 - ICC is required to cooperate and to report to Committee.
- SB 420 - DPHHS required to review rules regarding personal care facilities and report to Committee by September 15, 2002.
- SB 454 - DPHHS multi-agency children's initiative is required to report to Committee every 6 months
- HJ 31 - Resolution on litter and alcohol use. Any findings and recommendations are required to be reported to Committee.
- HB 582 - DPHHS to report feasibility study of a chronic disease registry to the 58th Legislature as provided by 5 -11-210, MCA, which requires reporting to appropriate interim committee for agency; for DPHHS it is CFHHS Committee.
- SB 476 - long-term care facilities requiring rule adoption on certification, informal dispute resolution, and standards
- SB 477 - requiring rules on safety devices in long-term care facilities

HB 2

- DPHHS to provide information by program to Committee by August 1, 2002 on rates for services, wage and benefits rates, methodology for evaluation.
- DPHHS to provide at every meeting of Committee (and LFC) information on TANF block grant funds, maintenance of effort funds, unexpended funds.
- AMDD appropriation is contingent on development of a management plan for children's residential treatment and placement with in-state providers by July 1, 2002.
- Tobacco prevention and control program appropriation (\$2.8 million) will be administered by the ICC.
- Interest income on the tobacco settlement trust fund for provider rate increases - monitoring.

Other related areas within the Department

- Governor's Council on Children and Families
- Division presentations
 1. Addictive and Mental Disorders Division
 2. Child and Family Services Division
 3. Child Support Enforcement Division
 4. Disability Services Division
 5. Health Policy and Services Division
 6. Human and Community Services Division
 7. Operations and Technology Division
 8. Quality Assurance Division
 9. Senior and Long Term Care Division

Committee member potential subcommittee assignments:

SJ 8 - Privatization of foster care and adoptive services

HJ 1 - Mental Health Subcommittee of LFC

SJ 22 - Health Care Costs Subcommittee of Economic Affairs Interim Committee

III. Tentative WORK AND STUDY PLAN

Economic Affairs Interim Committee (SJ22): June 15, 2001

Legislative Finance Committee (HJ 1): June 18, 2001

1. CFHHS: August 9, 2001

First meeting:

Review of committee duties and responsibilities

Presiding officer elections

Department overview: Introduction by Director

Highlight three divisions - presentations by administrators (AMDD, SLTC, HCS)

Review of topics of interest

SJ 8 - privatization of foster care and adoptive services - propose white paper
Health care costs: (SJ22 study - joint subcommittee)
Mental Health Subcommittee (HJ1 study - joint subcommittee)
Department study topics listing - choices for interim
HJ 32 - performance audit - receive update
Required reports (may be incorporated into division presentations)
MHOAC meetings summaries (SB 82)
AMDD management plan for children's services (HB 2 requires report to be received
by 7/1/01)
TANF report (HB 2)
Public testimony
Adopt a study plan

SJ 22 Subcommittee:

HJ 1 Subcommittee:

2. CFHHS: November 16, 2001

Second meeting:

Statutory duties and responsibilities: administrative rule review

Continue Department overview:

Highlight three divisions - presentations by administrators (QA, HPSD, DSD)

Required reports:

MHOAC meeting summary (SB 82)

TANF report (HB 2)

Multi-agency children's initiative report (SB 454)

Review of topics of interest

HJ 1 Mental health subcommittee report

SJ 22 Health care costs report

Main topic(s):

SJ 22 Subcommittee:

HJ 1 Subcommittee:

3. CFHHS: February 15, 2002

Third meeting:

Administrative rule review

Continue Department overview:

Highlight three divisions - presentations by administrators (CFS, HPSD, DSD)

Required reports:

MHOAC meeting summary (SB 82)

TANF report (HB 2)

Review of topics of interest

HJ 1 Mental health subcommittee report

SJ 22 Health care costs report

Main topic(s):

Child and Family Services - HJ 32 audit

SJ 8 privatization study - white paper presentation

SJ 22 Subcommittee:

HJ 1 Subcommittee:

4. CFHHS: May 3, 2002

Fourth meeting:

Administrative rule review

Required reports:

MHOAC meeting summary (SB 82)

TANF report (HB 2)

Multi-agency children's initiative report (SB 454)

Review of topics of interest

HJ 1 Mental health subcommittee report

SJ 22 Health care costs report

Main topic(s):

Report on draft DPHHS executive planning process (EPP) proposals and overview of proposed legislation

DPHHS report on Disability Services Division issues

Requests for committee bill drafts (opportunity for Committee to officially request bills for the DPHHS pursuant to changes made in 5-5-215, 5-5-225, MCA, and joint rules)

SJ 22 Subcommittee:

HJ 1 Subcommittee:

5. CFHHS: August 23, 2002

Final meeting:

Administrative rule review

HJ 1 and SJ 22 - Subcommittee reports, final recommendations

Required reports:

MHOAC meeting summary (SB 82)

TANF report (HB 2)

DPHHS program information on rates for services, wage and benefit rates,
methodology for evaluation (required to be submitted by August 1, 2002
(HB2).

Report on rules review regarding personal care facilities (by September 15, 2002, HB
2)

Report on Chronic Disease Registry feasibility (HB 582)

Report on DPHHS EPP process

Any additional final reports pursuant to 5-11-210, MCA, and HJ 31, SJ 22.

Adoption of committee bill drafts, requests for additional agency bills.

Final recommendations - final report adoption.